



KENTUCKY EMERGENCY RESPONSE COMMISSION

Kentucky Emergency Management Agency

BIMONTHLY
NEWSLETTER

2018, ISSUE 1

AUGUST 2018

Recent Policy Approvals:

- *KERC Policy 002-2016 Reporting of Non-Hazardous Chemicals with Safety Data Sheets (SDS)*
- *KERC Policy 003-2016 Local Emergency Planning Committee (LEPC) Records Retention*
- *KERC Policy 003-2017 Policy on the Use of the Correct Forms by Local Emergency Planning Committees*
- *KERC Policy 004-2017 LEPC Property and Inventory Control Policy*
- *KERC Policy 005-2017 Denial of LEPC Grant Funding for the Purchase of Drones*
- *KERC Policy 006-2017 Policy on LEPC Membership*
- *KERC Policy 007-2017 Policy on Submitting LEPC Bank Statements*
- *KERC Policy 008-2017 Policy for Modification Request of Grant Funds*

Who We Are:

Kentucky adopted the Emergency Planning and Community Right-to-Know Act (EPCRA) into law through [Kentucky Revised Statutes \(KRS\) 39E](#) and the Kentucky Administrative Regulations (KAR) found in [106 KAR Chapter 1](#). EPCRA requires that every State have a State Emergency Response Commission (SERC). In Kentucky, the SERC is known as the Kentucky Emergency Response Commission (KERC).

The KERC was established to:

- Implement all provisions related to hazardous substances;
- Develop policies related to the response of state and local governments to releases of hazardous substances;
- Develop standards for planning for these events;
- Develop reporting requirements for hazardous substances;
- Provide information to the public concerning hazardous substances in the community;
- Develop training requirements; and
- Develop requirements for local governments and covered facilities to exercise plans related to hazardous substance response.

For more information on the laws and regulations governing the implementation of EPCRA in Kentucky, consult KRS 39E and 106 KAR Chapter 1 at the Kentucky Legislature website at <http://www.lrc.ky.gov/law.htm>.

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Notes from the May and July KERC Meetings:

- The KERC approved the merger of Pendleton County LEPC and Northern Kentucky Emergency Planning Committee. There are now four (4) counties that make up the Northern Kentucky Emergency Planning Committee: Boone, Campbell, Kenton, and Pendleton.
- The KERC Fee Account Grant split was approved by the KERC. After the merge of Pendleton County LEPC and Northern Kentucky Emergency Planning Committee, there are ninety-one (91) eligible LEPCs. Letters were sent to all LEPCs regarding eligibility status.
- There were four (4) new policies passed that will affect LEPCs. Policies are listed on the first page of the newsletter and are attached to the newsletter.
- Community Outreach Events registration fees and Electronic Media Advertising were added to the KERC Approved Expenditures for LEPC Grant Funds at the May meeting; however, the KERC Grant Committee was asked at the July meeting to review the KERC Approved Expenditure List for items that may need to be removed or need more clarification.
- The KERC is in the procurement stage for a new Tier II submission/EHS planning program. Training will be available once the program has been purchased and is ready for testing and use.
- The KERC Approved Training List has been revised. The list now includes three classes. The list may only include courses that have a planning or community right-to-know component. The KERC Information and Training Committee and KERC staff are working to add eligible courses to the list.
- LEPC members cannot be reimbursed for services rendered on behalf of the LEPC, such as the development of EHS Facility Emergency Response Plans. The LEPC is a volunteer based program. Members may not receive any form of payment from the LEPC.

KERC Meeting Minutes: To request a copy of KERC meeting minutes, email Tiffany Sizemore at tiffany.r.sizemore.nfg@mail.mil. Minutes must be approved by the KERC before release.

Upcoming KERC Meeting Dates:

Wednesday, September 5, 2018
Kentucky Emergency Services Conference/
Governor's Emergency Management Workshop
Louisville Airport Crowne Plaza
830 Phillips Lane
Louisville, KY 40209

Wednesday, November 21, 2018
Locations: TBA



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LEPC Documentation Deadlines:

January

- No later than January 31, publish public information on committee activities entitled "Public (Legal) Notice Advertisement"

****Note:** LEPCs must meet at least twice per year (once if no EHS in the planning district) and upload meeting minutes to the Kentucky LEPC Dashboard with thirty (30) days of the meeting.

February

- No later than February 28, in the Kentucky LEPC Dashboard, upload a photocopy of the "Public (Legal) Notice Advertisement" published. The name and the date of the newspaper must be clearly shown.

March

- Facilities must submit by March 1: 1) Their annual Tier II Reports; AND 2) A Facility Annual Certification Letter (FACL)

****Note:** The FACL must state: 1) There are no changes to the EHS Plan; OR 2) The EHS Plan has been revised and the revisions are included with the FACL.

April

- No later than April 1, review the EHS Facility Emergency Response Plans and fill out an Annual Certification Letter (ACL) in the Kentucky LEPC Dashboard stating: 1) There were no changes; OR 2) The plan has been revised and revisions are included with the ACL.
- Fill out the LEPC Grant Application in the Kentucky LEPC Dashboard. Print, sign, and upload the application.
- Upload documentation of expenditures, bank statements, and the LEPC Bank Ledger in the Kentucky LEPC Dashboard. Invoices and receipts should be uploaded with bank statements for the timeframe the money was spent. All bank statements should be uploaded individually.

June

- No later than June 1, fill out the LEPC Detailed Budget in the Kentucky LEPC Dashboard identifying how the funds requested on the LEPC Grant Application are to be spent.

July-August

- The KERC Fee Account Grant Fund Contract will be emailed to all eligible LEPCs. Print, sign required pages, and mail the contract to the LEPC Program Coordinator.

September

- No later than September 15, the KERC will make the KERC Fee Account Grant awards.

December

- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Membership List and LEPC Membership Cover Page. Name, agency, email address, and phone number should be entered for all members.
- No later than December 1, in the Kentucky LEPC Dashboard, upload the LEPC Bylaws, with certification stating: 1) There were no changes; OR 2) The LEPC Bylaws have been revised and the revisions are included.
- No later than December 1, in the Kentucky LEPC Dashboard, update the LEPC Personal Property Inventory for all items valued over \$500.

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Q&A:

Question– Can someone with a felony be a member of an LEPC?

Answer– It is recommended that the LEPC consult with the county attorney for this information. The Governor appoints the members of the Kentucky Emergency Response Commission, and, per KRS 39E.100 (1) , Local Emergency Planning Committees are created as part of the state commission.



Upcoming KERC Approved Trainings and Conferences:

- September 4-7 Governor's Emergency Management Workshop (Crowne Plaza, Louisville, KY)
 - Responsibilities of the LEPC will be offered on Thursday, September 6, 2018
- September 18-20 2018 KAMM Annual Conference (Lake Barkley State Resort Park)
 - Responsibilities of the LEPC will be offered as a pre-conference course on Monday, September 17, 2018 (see attached flyer)

****Note:** If you would like to attend a training you feel would be beneficial to your LEPC that is not listed on the KERC Approved Training List, email a request to the KERC Program Manager. The request will be forwarded to the KERC Information and Training Committee to be reviewed for approval at the next scheduled KERC meeting. If KERC approval is granted, the training will be added to the KERC Approved Training List.